

**City of Taylorsville
Planning Commission Meeting
Minutes
February 8, 2011
Pre-meeting – 6:00 p.m. - Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

Dale Kehl, Chair
Kristie Overson
Anna Barbieri
Ernest Burgess
Ted Jensen, Acting Chair
Dan Fazzini, Jr. (Alternate)

Excused: Garl Fink and Steven Faurschou

Community Development Staff

Mark McGrath - Director
Michael Meldrum – Principal Planner
Dan Udall – City Planner
Jean Gallegos – Admin Asst/Recorder

PUBLIC: Alta Black, Tracy Thompson, R. S. Deneau, Sara Paiz, Kenney Nichols, Paul Pilzer, Pete Semaprong, Dama Barbour, Boy Scout Troop #845.

19:03:50

WELCOME: **Commissioner Jensen** assumed duties as Chair (because Commissioner Kehl had to leave for a little while) and welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. He outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them or if there were any changes deemed appropriate by the Planning Commission. There being none, **Commissioner Jensen** asked for a motion regarding the Consent Agenda.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1.	Review/approval of Minutes for meetings held on Dec 14, 2010, Jan 4, 11, 25, and February 1, 2011.		Approved as presented.
2. 2C11	Animal Hobby Permit (3 Dogs)	Sara Paiz 3399 W 5700 S	Approved with staff recommendations.

MOTION: **Commissioner Fazzini** – I move for approval of the Consent Agenda consisting of Item #1, the Minutes for December 14, 2010, January 4, 11, 25 and February 1, 2011, and Item #2 – File 2C11 – Conditional Use - Animal Hobby Permit, with staff recommendations.

SECOND: **Commissioner Burgess**

Commissioner Jensen restated the motion to approve the Consent Agenda consisting of Item #1 – Minutes and Item #2, an Animal Hobby Permit for three dogs.

<u>VOTE</u>					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	Excused	Burgess	AYE	Kehl	Excused
Overson	AYE	Barbieri	AYE	Fink	Excused
Jensen	Chair	Fazzini	AYE		
<u>Motion passes 4 to 0.</u>					

At this point, the Chair recognized Boy Scout Troop 845, consisting of one Scout Master and four scouts, being in the audience.

HOME OCCUPATION

3. 1H11 – **Alta M. Black – 4992 S 1250 W** – Home Occupation – Day Care - (Michael Meldrum/Principal Planner) **19:10:28**

3.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for a child day care home occupation for up to twelve children. City Ordinance 13.57.057 allows hours of operation to be between 6:00 a.m. and 8:00 p.m. The applicant's proposed days and hours of operation are Monday through Friday from 6:00 a.m. to 6:00 pm. The proposed hours of operation are compliant with the above City Ordinance. The yard is fenced with a 6' foot high vinyl fence that is in good condition. Staff did not observe any code violations that would prohibit the applicant from obtaining a business license. There is outdoor play equipment located on the north side of the home. Adequate parking is available for resident and employee parking as well as for parents dropping off and picking up their children. The applicant is requesting that the permit allow up to 12 children and State licensing requires that for day cares with more than eight children, a second care provider is required.

Findings of Fact:

1. The home occupation is allowed as a conditional use in the A-1 zone.

2. The home occupation does comply with the hours of operation as identified in Section 13.57.057.
3. The home occupation meets all other applicable codes.

Staff recommendation: Staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
 2. The conditional use permit home occupation is subject to review upon substantiated and unresolved complaint(s).
 3. If a sign is desired by the applicant, a maximum 3-square foot sign attached to the single-family home is allowed.
 4. That adequate parking is provided on site to accommodate the homeowner's vehicles, an employee vehicle, and customer vehicles coming to the home.
 5. That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
 6. That the applicant lives in the existing home.
 7. Adequate outdoor lighting must be provided.
 8. No additional Class D home occupation business licenses are allowed at this address while this business is in operation.
 9. Hours of operation are limited from 6:00 a.m. to 6:00 p.m., Monday through Friday.
- 3.2. **APPLICANT ADDRESS:** The applicant Alta Black was present. **Commissioner Jensen** asked her about her fence and she advised that her back yard is completely fenced and will be well maintained. [19:13:33](#)
- 3.3. **SPEAKING:** None.
- 3.4. **MOTION:** **Commissioner Overson - 19:14:36** I will make a motion for approval of File #1H11 a home occupation day care, with the nine conditions outlined in the staff report.
SECOND: Commissioner Barbieri
Commissioner Jensen restated the motion to approve File #1H11 with nine staff recommendations.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	Excused	Burgess	AYE	Kehl	Excused
Overson	AYE	Barbieri	AYE	Fink	Excused
Jensen	Chair	Fazzini	AYE		
Motion passes 4 to 0.					

CONDITIONAL USES

4. 4C11 **Troy Thompson – 3645 W 5400 S** – CUP – Martial Arts Studio. (Dan Udall/City Planner) [19:15:39](#)

4.1 **Mr. Udall** presented this item. The applicant is proposing a private school (Martial Arts Studio) for 12 students and eventually desires to teach up to 105 students per day or up to 6-7 classes with 10-15 students in each class. The applicant may hire two additional instructors should the class size increase significantly. Currently there are 18 parking stalls on the site. The City's minimum off-street parking requirement for the existing retail establishment is 23 stalls. Staff does not know why the property lacks the five parking stalls but assumes that is the way Salt Lake County approved the amount of parking before Taylorsville was incorporated. The applicant feels that approximately 70 percent of the students would be under the age of 16 and would be dropped off and picked up. So when calculating the maximum number of parking stalls with the use at full capacity, up to 8 parking stalls will be needed for the older students and the instructor(s). This parking requirement is for only one class being taught on site at one time. In this case, needed parking spaces and required parking spaces may not be the same because the ordinance is silent on how many parking spaces are required for a private school.

Findings of Fact:

1. That the private school is a conditional use in the C-2 zone.
2. That a private school use does not have any specific off-street parking regulations listed in the zoning ordinance.
3. That initially only 12 students will be attending the private school. Eventually there may be up to 15 students per class and up to 105 students per day attending the private school.

Staff recommendation: Staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That city staff approves the final conditional review.
3. That any interior remodeling needs a building permit.
4. That no more than 15 students can attend the private school at one time and only one class can be in operation at one time.
5. **[Added by Staff and Motion] This conditional use permit is subject to review upon substantiated, unresolved complaint.**
6. **[Added by Motion] The hours of operation are limited to Monday through Saturday, 9:00 a.m. to the last class which would start no later than 8:30 p.m.**

- 4.2 **DISCUSSION:** [19:20:17](#) **Commissioner Overson** asked Mr. Udall if it would be appropriate to add a condition that this is a conditional use and subject to review upon substantiated, unresolved complaint. **Mr. Udall** advised that would be appropriate and said he would add it to his recommendations as #5. **Commissioner Jensen** commented that the back of this area is enclosed. **Mr. Udall** advised that there is vehicle access to the Discount Tire Store on the back side but not anywhere else. **Commissioner Jensen** added that if they wanted to, someone could drive all the way around there to park. **Mr. Udall** said they could do that but they do not have a formal access agreement in place there. **Commissioner Jensen** said that there would be 15 martial arts students per class. **Mr. Udall** said that was "up to 15" and could be less. **Commissioner Jensen** said that the applicant is eventually planning to have multiple classes during the day. **Commissioner Barbieri** asked what the width was of the parking area in the back. She noted that there could only be a turn around made in the back corner and not in the rear of this particular building. **Mr. Udall** said that was correct but it is only wide enough to accommodate one way traffic. [19:23:24](#) She then wondered where he had obtained the number of 28 parking spaces. **Mr. Udall** advised her that the number was 18 and not 28.
- 4.3 **APPLICANT ADDRESS:** The applicant, Troy Thompson, was present and said that he had read the staff report and would be glad to answer any questions the Commissioners may have.
- **Commissioner Overson** suggested that having the potential for 15 students per class, there obviously would create a concern about parking. She wanted to know if there were breaks in between the classes. [19:24:59](#) **Mr. Thompson** said that typically the classes are structured back to back in order to accommodate the number of classes for each day. Normally parents drop off and pick their children up, so the exchange process is very workable. **Commissioner Overson** said that she gathered from that that there is not a place where parents are going to go in and watch the class. **Mr. Thompson** said that usually only happens with the beginner student classes. Those are typically the smallest classes because of the turn over rate in the beginner classes. After the parents are comfortable with dropping off their children, they usually don't stay to watch. Typically it is about an 80% ratio of parents at the beginner level and the advanced classes typically about 1% to 5% have guests who will stay and watch.
 - **Commissioner Fazzini** commented that Mr. Thompson had said that the last place he worked, there was a day care nearby and wanted to know if there was on-street parking available at that particular site. **Mr. Thompson** said there was no on-street parking at the previous location. **Mr. Thompson** advised that adult classes are typically smaller and usually run during the noon hour or later in the evening to accommodate their schedules. **Mr. Thompson** said that he had contacted the manager of Discount Tire who stated that they are closed during the evening, so there would be no problem for the adult class participants to park in the Discount Tire parking area.
 - **Commissioner Overson** asked if Mr. Thompson had spoken with the beauty salon owners, which is right next door to this and **Mr. Thompson** said that he had also contacted those owners and found them to be agreeable to share the parking. The owner of the beauty shop said her busiest hours of operation are typically on Saturdays during the day time. She closes her business around 6:30 p.m. daily.
 - **Commissioner Barbieri** said that she had visited this site around 4:00 p.m. and there were probably only three or four spots open. She noted that much of that parking space was taken up with hair salon employees (identified by hair salon advertisement stickers in their vehicle windows). Her concern was with people dropping off children due to the one entrance/exit not allowing much room for parents to access. She wondered if Mr. Thompson would address that problem. **Mr. Thompson** said that it would be nice for them to just drive along the side of the building, drop off their child and exit around the back through Discount Tires. In addition to that, he planned to work with the hair salon owner to keep the first couple of stalls open in order to more easily drop or pick-up the students safely. [19:29:38](#)
 - **Commissioner Jensen** asked about the length of classes and **Mr. Thompson** said the classes are about 45 minutes for the kids, a half hour for the smaller kids and an hour and 15 minutes for adults. There is no break between each class. The last class finishes at 8:30 p.m. **Commissioner Jensen** wanted to know if they scheduled special events where the parents are invited to come and **Mr. Thompson** said that would only be on a rare occasion. That he currently has twelve students interested in taking these classes, so he is trying to build up his clientele. [19:31:39](#)
- 4.4 **SPEAKING: None.**
- 4.5 **DISCUSSION:** **Commissioner Burgess** [19:33:14](#) said that it seems like the class schedule works because it is mostly with children, so with the number of children contemplated for the classes, the parking should not be an issue at this time. **Commissioner Jensen** was impressed with the way the applicant is working with the surrounding businesses in the form of cooperative agreements in order to make this work. **Commissioner Overson** [19:33:44](#) asked if it would be appropriate to specify as a condition the days of the week and opening and closing hours. **Mr. Thompson** responded by saying that his hours are proposed to be Saturday, 9:00 a.m. through 10:00 p.m. **Commissioner Overson** suggested that the hours be staggered so that the last class ends by at least 10:00 p.m., perhaps by stating that the last class begins at 9:00 p.m. **Mr. Thompson** said that his last class presently starts at 7:30 p.m. and that anything scheduled later than that would need to be an adult class. **Commissioner Barbieri** expressed concern with the seemingly limited amount of parking and inadequate access and felt that maybe a better site could be found. **Commissioner Jensen** suggested requiring a half hour in between each individual session and **Commissioner Barbieri** felt that would be unfair to Mr. Thompson as a business owner. **Commissioner Overson** felt that parking would probably be adequate for now due to the relatively small number of students. She said that adding "reviewable upon substantiated and unresolved

complaint" may be enough of an incentive for the applicant to control the parking situation for now. A majority of the Commissioners felt that the lack of parking may become a problem in the future but were willing to allow the applicant to monitor this himself. [19:46:10](#)

- 4.6 **MOTION:** [Commissioner Overson 19:46:37](#) - I will make a motion. Based on the Findings of Fact, applicant's answers to concerns expressed by the Planning Commission and with four conditions in the staff report, I move for approval of File #4C11. I would add #5 that this conditional use permit is subject to review upon substantiated, unresolved complaint and #6 that the hours of operation are limited to Monday through Saturday, 9:00 a.m. to the last class which would start no later than 8:30 p.m.

SECOND: [Commissioner Jensen](#)

[Commissioner Jensen](#) restated the motion to approve File #4C11 with four staff conditions, adding #5 that this conditional use permit is subject to review upon substantiated, unresolved complaint and #6 the hours of operation are limited to Monday through Saturday, 9:00 a.m. to the last class which would start no later than 8:30 p.m.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	Excused	Burgess	AYE	Kehl	Excused
Overson	AYE	Barbieri	NAY	Fink	Excused
Jensen	Chair	Fazzini	AYE		
Motion passes 3 to 1.					

CONDITIONAL USES

5. 3C11 **Pete Simmons – 6171 S 3200 W – CUP – Monopole.** (Dan Udall/City Planner) [19:49:14](#)

5.1 **Mr. Udall** presented this item. The applicant is proposing an 80' high monopole on a 989 square foot pad with a 312 square foot equipment shelter. The applicant is proposing a 6' high 5/8" wide lightning rod on top of the monopole to protect the equipment in case of an electrical storm. With the addition of the lightning rod, the pole will be 86' high. However, because of the nature of the 6' high lightning rod, Staff has determined it should not be included in the height of the monopole. Salt Lake County Conservancy District owns the property and the applicant has a lease agreement with them in order to construct the equipment. There is a water tower currently located on the south side of the 2.58 acre property. The applicant is proposing to remove the grass where the monopole equipment is proposed and replace it with xeriscaping that is designed similar to the landscaping on the north side of the property. There is an existing asphalt driveway on 3200 West near to the proposed monopole equipment. That asphalt driveway is proposed to be extended to the equipment shelter for vehicle access. The east side of the compound area is proposed to have cement. The exterior of the equipment shelter building is proposed to be a brownish color aggregate material. The doors, trim and the HVAC color are proposed to be a Mesa Tan. The shelter will be 10'1" high. In Staff's opinion, the equipment shelter is an accessory building to the existing water tank. The accessory building is currently proposed to be 2 feet from the side yard property line. According to the zoning ordinance, Section 13.45.060 B. 2 C, Accessory structures located in a side yard of an interior lot greater than 15,000 square feet includes the following: Three feet (3') minimum from building to property line." (Applicant will move it 1' to the north to conform to the existing ordinance). Staff is recommending that the building be a minimum of 3' from the side yard property line. The applicant has stated that he is okay with the 3' side yard building setback. The applicant is requesting that barbed wire be provided on the entire perimeter 6' high chain link fence. The reason would be to protect or secure the equipment. The zoning ordinance is silent in regards to barbed wire. However, Staff is not recommending in favor of the barbed wire, especially since the property is located in an R-1-8 zone (residential). Staff feels there are other means to protect the cell tower equipment. The chain link fence and barbed wire are proposed to be black vinyl coated. Currently there is some barbed wire on the fence adjacent to 3200 West. The applicant has proposed two 6' to 8' high evergreen trees within the proposed xeriscaping. One tree is proposed on the west side and the other on the east side of the equipment shelter. One issue is that Staff recommended applicant plant three evergreen trees on the site and the applicant is concerned with that because there is a water line going underneath and the Conservancy District has said that they do not want trees within 15' of the line. Staff feels there are other ways to mitigate buffering through some type of landscaping through revision of Item #6 and Staff is recommending that 3-5 six foot high evergreen trees be planted within the xeriscaping on the west side of the compound to obscure the compound from 3200 West. The proposed tree on the east side has no purpose and can be relocated to the west side of the equipment shelter.

Findings of Fact:

1. That the applicant is proposing a monopole 80' high and a 312 square foot equipment shelter building.
2. That a microwave dish is proposed to be located on the monopole at approximately 45' high.
3. That the applicant is proposing to remove live landscaping and replace it with xeriscaping, evergreen trees, an equipment shelter building, a monopole, cement and asphalt.
4. That the monopole is a conditional use in the R-1-8 zone.

Staff recommendation: Staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the equipment shelter building is at least 3' from the south side yard property line.
3. That the monopole be constructed so as to allow a collocation of a second user.
4. That the monopole and the site the pole occupies is to be properly maintained. That the monopole is removed within 60 days after all communications use is discontinued.

5. That the applicant receives a building permit to install the monopole and the equipment shelter.
6. **[Changed by Motion]** ~~That three to five evergreen trees are planted within the xeriscaping on the west side of the compound to obscure the equipment shelter from 3200 West.~~ **That the applicant works with staff to appropriately screen the building.**
7. That the existing barbed wire is removed from the fence and no barbed wire be provided on the fence.

5.2 **APPLICANT ADDRESS:** **Pete Simmons** was present to answer questions. [19:58:04](#) He referred to Staff Recommendation #6 which requires 3 to 5 trees on the west side of the compound as not being workable because he later found out from the Water District that there are two 30" water lines on that site where Staff wants the trees placed. He said that presently there is a pine tree on the site which is dying and would need to be replaced, however, because of the new information received from the water district with regards to the 30" water lines, that can't happen either because it runs directly beneath where they are going to install the xeriscaping. The District informed them that if they wanted to put any vegetation there, it would need to be 15' away from that. The Water District is trying to promote water conserving landscaping and that is why Mr. Simmons is contemplating xeriscaping on the west side. He said he did understand why Staff wanted to screen that area against 3200 West. He said to look at the site plan there is a drive that comes off of that. The fence will be necessary because part of the requirement from the Water District to allow the monopole and equipment to be located on their land is that his company would need to have a separate access into the facility. Based on that, there is a drive aisle that comes off, so literally there is an area that is going to be xeriscaped and have a hard surface that will allow access in and out of their leased area but which will seriously hamper the placement of even three trees let alone the five that staff wants. One thing discussed was because of the fact that they are looking to visually screen the equipment shelter from 3200 West, one option would be to look at extending a chain link fence over to that side and either doing slats therein or possibly putting a climbing vine on it for a natural screen. He suggested that he be allowed to work with staff to come up with an acceptable idea to make all concerned happy. The current fence is 8' tall along the south side between the convenience store and the Water District property. The fence along 3200 West is 6' high. Mr. Simmons' fence is proposed to be 6' tall and since staff has mentioned that they do not want barbed wire installed and would go along with making the fence 8' tall instead of including the barbed wire. **Commissioner Fazzini** said that the top of the tower, not including the lightening rod is 80', with 8' antennas. The center of the dome is 75'. He wanted to know if that will accomplish what they need. **Mr. Simmons** said it would be a little bit tight because there is a line of site issue to the northeast. The reason, other than trying to provide better service for the area in general, is one of the things they are trying to do as well and what they are seeing with the advances made with Smart Phones and everyone wanting to get their video access, is a lot of the facilities in the area are becoming bogged down. There are so many subscribers on the network and many facilities are not able to handle that amount of calls and there are starting to be dropped calls in certain areas. What they are trying to do is off-load the alpha sector from one of their sites in West Jordan as well as provide better coverage for that in order to better meet Verizon's needs. This is a fill in type service. **Commissioner Barbieri** commented that it seemed like it was actually the accessory building and not the monopole that would not work on the other site, which **Mr. Simmons** asserted was correct. **Commissioner Burgess** alluded to the fact that the main reason for deciding on the present location was still the location of the water line out of the tank and **Mr. Simmons** agreed. [20:06:49](#) **Commissioner Jensen** opened the floor for input from anyone wishing to address the Commission on this issue and none came forward.

5.3 **SPEAKING:** None.

5.4 **DISCUSSION:** **Commissioner Jensen** [20:09:50](#) asked Mr. Udall if Staff condition #6 could be left relatively open to allow the applicant to work with Staff on the landscaping issue. **Mr. Udall** said that was an option that the Commission has.

- 5.5 **MOTION:** **Commissioner Fazzini** [20:10:08](#) - I will make a motion that based on the Findings of Fact and testimony heard this evening, that we recommend approval of File #3C11 with the 7 staff conditions, changing #6 to say that the applicant will work with Staff on a solution to appropriately screen the building.
SECOND: **Commissioner Burgess**
Commissioner Jensen restated the motion to approve File #3C11 with the change to #6 as indicated. [20:10:45](#)

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	Excused	Burgess	AYE	Kehl	Excused
Overson	AYE	Barbieri	AYE	Fink	Excused
Jensen	Chair	Fazzini	AYE		
Motion passes 4 to 0.					

DISCUSSION ITEMS

- | | |
|---------|---|
| 6. 5C11 | Paul Pilzer (Agent – Kenney Nichols – Planet Fitness (Conceptual)) – 2600 W Taylorsville Blvd.
(Michael Meldrum/Principal Planner) 20:11:33 |
|---------|---|

Commissioner Kehl returned at this point and assumed duties as the Chair.

6.1 **Mr. Meldrum** was the staff presenter for this item and turned the time over to Mr. McGrath for an introduction to the project and a history of what has transpired on this site since the City incorporated in 1996.

6.2 **Mr. McGrath** [20:12:28](#) said that he just wanted to give the Planning Commission a real brief history on the planning efforts on this site given the fact that in all likelihood a General Plan Amendment will be necessary to facilitate the proposed

development. And also given the fact that a majority of the present Commissioners were not around when most of the planning took place on this site originally.

- In the 1997 General Plan of the City of Taylorsville, which was adopted shortly after the incorporation of the City of Taylorsville and prior to the City even having purchased the property. The statement was included in that Plan which said, "City Center for the new City of Taylorsville may be different than other cities, rather than creating a center which focuses on city administration and services, Taylorsville prefers to find an expression for City Center that is more of a gathering place and activity center for its residents." That was the first reference of Taylorsville City Hall in the City Center.
- In September of 1998, the City purchased this 19.8 acre piece of property where the City Hall currently is located. The purchase price was 4.3 million dollars. At that time, there were a couple of homes and a number of out buildings located thereon. The history of the remainder of the site was taken up with farming. Initial planning efforts on this property were completed by Landmark Design, which is a local landscape architecture and planning firm here in Salt Lake City. Mr. McGrath showed a depiction of the original proposal which Landmark had submitted to the City and explained the different proposed uses thereon, which includes a number of commercial buildings on site and the general transportation and circulation pattern for the site. They took advantage of the existing water that is located at the intersection in the form of a water feature and walking promenade from the corner to what is now City Hall. At that point, the City's intention was to sell off the remaining parcels of property from the 19.8 acres to help fund the construction of the City Hall building. That plan by Landmark Design wasn't fully endorsed by the City Council at the time. It was adopted by resolution of the City Council as the official strategy for how to proceed with the property. It was not adopted as part of the General Plan at this point. The general transportation and circulation was established. The location for the new fire station, which has now been completed, is on that plan, as well as the location for Taylorsville City Hall.
- Mr. McGrath displayed a site plan developed by Gould Evans Architect in 2003, which shows what the planning efforts were when the City Hall went under construction. This plan also shows the currently existing road system. This plan was approved by the Taylorsville Planning Commission in 2003. The City chose to embark on a planning effort to insure that the commercial development around this building was going to be of a quality that would be complementary to the City Hall and something that would represent Taylorsville well. This is Phase II of the Taylorsville City Center, which contains the fire station and City hall and the parking lots and road system.
- The Taylorsville City Small Area Master Plan was adopted by the City Council in July, 2003. That plan essentially adopted a number of development principles, including: (1) Create a community gathering place; (2) Future development should be of excellence and sustainable – meaning buildings that were built of a quality that would be sustainable over time. (3) It should have a strong architectural emphasis and a strong site design emphasis, so there should be an emphasis on architectural design as well as streetscape issues, landscaping issues, etc. (4) There should be a carefully blended mix of land uses so that they are synergistic in nature and complement each other. (5) There should be a strong pedestrian orientation and automotive uses should be de-emphasized as much as possible. So, large expansive sidewalks, street trees to protect pedestrians from automotive, minimize integration between automotive and pedestrian traffic as much as possible. The site should be integrated with the surrounding community rather than segregated from as is often seen in developments these days. They should plan for a diversity of transportation options, to not only focus on automotive transportation but also pedestrian, bicycle and bus and perhaps mass transit in the future. It should be viewed as a district as opposed to simply a shopping center. Again it should integrate into the surrounding community rather than be segregated from. Lastly, the concept of gestalt which essentially means that the whole is greater than the sum of the individual parts.
- With those principles in mind, the Plan included this kind of illustrative site plan, again just representing individual principles. It shows how the individual buildings are pulled to the street, parking is in the center of the block, buildings face the public streets and respect the public realm by facing the streets, being pedestrian oriented and walk-able by facing the public realm as opposed to facing the parking lot. Staff is trying to create being a community gathering place or place where such events as festivals could be held here, hosting Taylorsville Dayzz here, etc. As the circulation system was planned, roads could be blocked off in certain areas and still have complete access to all parking in the center, and reserve the festival area for differing types of events. He showed a series of images prepared by Envision Utah, which show a different way of building than what is typical these days where you start integrating elements such as street trees, pulling buildings to the street and facing the street. It creates a very different atmosphere than the usual.
- In 2005-2006, Cottonwood Partners approached the City with the intent of purchasing and developing this site and they formally requested an amendment to our Small Area Master Plan that from looking at the site plan was pretty similar in a number of ways but was fundamentally different in three primary areas – first of all, the buildings are now oriented towards the parking lot generally as opposed to being oriented towards the public streets. They also included a series of very specific building elevations and a very specific site plan illustrating exactly what the buildings would look like and exactly where the buildings would be located on the site. This project wasn't built, although the plan was officially adopted by the City.

6.2 **DISCUSSION:**

- Commissioner Overson contended that the Small Area Master Plan then needs to be amended or say the plan does not exist. She wondered if that happened, then what kind of guideline would be followed for this property. Mr.

McGrath said that it would be like any other property in the City where Staff would just fall back on the regulations and City Code for the MD-3 zone. **Commissioner Overson** said if the Commission amends the City Center General Plan it should not take up a lot of time in so doing. **Mr. McGrath** said that depends on what the City chooses to do. If the decision is simply to basically cut it from the City's current General Plan, it would just involve two meetings. With the General Plan and any amendment thereto, the Planning Commission makes a formal recommendation to the City Council, which in turn makes the final decision. Based on State Code and City Ordinance, the Planning Commission does make a formal recommendation to the City Council.

- **Commissioner Jensen** wanted to know if there are other interested parties looking at this property and **Mr. McGrath** replied as far as he knew there were none.
 - **Commissioner Barbieri** asked if the City makes it public that there is a request for proposals. **Mr. McGrath** deferred to Mr. Adams to answer. **Mr. Adams** said that the property was placed in a surplus status in 2000 and at that time the base price was established and the City has actively marketed the site since that point in time. **Commissioner Barbieri** asked if Mr. Adams could give an overview of what he meant by "actively marketed". **Mr. Adams** said that at one time the City had it listed with a commercial broker, along with marketing through the City's Economic Development department and through the City's Administration. The City has actively sought and received proposals. The average number is two offer letters per year, with varying success. Avalon with its difficult financing scheme attached to it was one. Some offers were subsidized and some were not. The one the Commission is reviewing tonight is a cash offer, non-subsidized and is one of the few the City has received with that status. [20:27:15](#)
- 6.3 **Mr. Meldrum** [20:28:19](#) began his presentation by saying that this application pertains to the City Center property. That he had not included a specific staff report because this is an information gathering meeting. He showed the proposed site layout for the property on the west side of City Hall. The proposal includes in Phase 1 the Planet Fitness building along the extreme west side of the property, comprised of 30,000 square feet, which would include a 5,000 square foot mezzanine along with some strategic retail that would also be included in Phase 1 on the south side of the property along 5400 South. [20:28:50](#) Also shown on the drawing was the parking layout and the landscaping design, along with two future pad sites labeled as Pad Site A and Pad Site B shown in the southeast and northeast corners of the site. He then discussed the building elevations and showed elevation renderings. He said that the applicant had also submitted the north and south elevation drawings for the strategic retail, which has entrances from the parking area and access doors on the south side along 5400 South; however, there was no access for customers on that side.
- **Mr. McGrath** [20:31:00](#) asked a question about the south elevation which faces 5400 South. He said that it looked like those buildings have glass store fronts and wanted to know if it was actually glass or simply a dark material. **Mr. Adams** answered by saying that it is glass, although it is a fake façade. There is a space designed for patio space for restaurants, etc., and one would expect that would be actual serviceable glass area with ingress/egress coming from the patio location. The further you progress to the east, it is initially designed that would not be anything more than service entrances. Of course, tenants in their specific capacity can determine whether they want to have dual entries or not but it is more of a display window space. It won't actually shine into the store unless the tenant wants that. There have been discussions which indicate that could be used as display windows for advertising, etc., which is seen a lot with tenants along major corridors. There may not be customer ingress/egress points off of 5400 South.
 - **Commissioner Fazzini** asked if the existing or proposed Code have any restrictions on what type of advertising can go on the windows. **Mr. Meldrum** said that was affirmative and added that it will also be included as part of the development agreement. **Mr. Adams** added that in many cases this can be used as display space for merchandise, similar to what is seen a lot elsewhere.
 - **Commissioner Barbieri** wanted to know if the City had a plan for the east portion of the site. **Mr. Adams** said there are concepts which include anything from development of park space, community garden, and performing arts center or to sell to a retail establishment. There is a lot of flexibility for that at this point but it should be noted that no funding has been established for any of the aforementioned uses. **Commissioner Barbieri** asked what the size of the property being sold was and was informed by **Mr. Adams** that it is 4.98 acres roughly, which leaves about 8 acres on the east side.
 - **Commissioner Fazzini** wanted to know if the parking stalls described on the north side of the plan presently existed. **Mr. Meldrum** informed him that was correct. That they are along Taylorsville Boulevard. **Commissioner Fazzini** wanted to know how much space there was for the drive aisle for entry. **Mr. Meldrum** said that on this plan it shows 28' on the Taylorsville Boulevard side and 25' on Centennial Way. **Commissioner Fazzini** wondered if "back in" parking may be more appropriate then. **Mr. Adams** advised that would not work with the center median currently in place. [20:35:14](#)
- 6.4 **APPLICANT ADDRESS:** **Kenney Nichols** (ASWN+ Architects) and **Paul Pilzer** (Proposed Developer for the property). [20:36:05](#) **Mr. Adams** explained that the applicants do not have a formal proposal tonight and are appearing mostly to answer questions the Commissioners may have.
- **Mr. Pilzer** said this has been an absolute pleasure for the last five months in working with City Staff and Mayor Wall. [20:36:41](#) **Mr. Pilzer** advised he has been the owner/developer of 66 properties around the United States, 7 million square feet. From the first time he met Mayor Wall and the Planning Director, they brought him onto the site. His wife has purchased the franchise to develop five Planet Fitness centers on the west side of Salt Lake City. That he was

approached by City Staff to consider building this on this particular site and he is excited to begin this project here in Taylorsville.

- **Commissioner Jensen** asked about the natural water source on the corner of the property, which was originally planned to be a large fountain. This plan shows the building is being built on top of that. **Mr. Adams** said that the water source is not in serviceable condition but is a deeply drilled irrigation well and not a natural spring. The well casing is in poor condition, however, the City will continue to own and maintain the water rights because as a municipality, the City cannot sell water rights they own. The City is allowed to re-drill the well within a 300' perimeter without prior approval, so the option is there but it is a well that is irrigation quality water and not culinary, is not naturally occurring and is not in serviceable condition. The cost of repairing the existing well casing is more than drilling a new well, so they are looking into what can be done with it, probably will have to be capped over. When a well is abandoned, it is filled in with a metal and concrete cap system on top of it. At present, the City does not have plans to re-drill the well. **Mr. Nichols** commented that they have hired a soils engineer to deal with that problem.
- **Mr. Nichols** suggested discussing the hours of operation because that has always been an issue. **Mr. Pilzer** said that Planet Fitness, once it is mature within the first year, will be going to a 24 hour operation, which is one of its great benefits. He feels there is a tremendous draw for a 24 hour location for the community here, i.e., American Express, the Salt Lake Community College, Fire and Police Departments, etc. He has begun discussions with other possible tenants to go into this development along with Planet Fitness.
- **Commissioner Barbieri** said that Mr. Pilzer talked about other businesses and wondered if there has been any exchange of letters of intent in that direction. **Mr. Pilzer** said that they have only had time to return one phone call and that is for Frogurt (frozen yogurt store). Frogurt's people have completed a letter of intent to locate here. That he has not begun to talk with retail tenants but felt that all the demographics here say that once the Planet Fitness business is operational the tenants will show. One nice feature for Planet Fitness is the cost, which is only \$10.00 a month. There will be no free weights but there will be a lot of exercise machines such as treadmills, stationary bicycles, etc. He anticipated between 800 and 1,000 people visiting the facility per the 24 hour period.
- **Commissioner Barbieri** commented to Mr. Pilzer that there are already two fitness centers in pretty close proximity to this site and wondered if Mr. Pilzer was concerned about over saturating the area. She was also worried about this new center taking all the business from the ones that have been here for years and causing them to shut down. **Mr. Pilzer** said that was a great point, however, those fitness centers require a two to three year minimum contract to join, charge \$30.00 to \$50.00 a month and cater to the 15% of the U.S. population that will ever join a fitness club, which is fit healthy people. Planet Fitness members join at \$10.00 a month with zero commitment. If a client wants to quit, they just have to stop paying the \$10.00 a month. Planet Fitness's focus is mainly on cardiovascular workouts.
- **Commissioner Fazzini** expressed concern that the building is very large and looks "boxy", with nothing breaking up the stark walls and suggested considering including an atrium or breezeway. **Commissioner Barbieri** agreed and asked about the outdoor patio and how it would be serviced with delivery trucks or garbage removal. **Mr. Adams** said all the other tenants would be small and did not feel either service would be difficult.
- **Commissioner Kehl** asked if Mr. Pilzer would go over the details of this franchise. **Mr. Pilzer** said that the franchisor is Planet Fitness. There are currently 404 stores open, with 2.5 million paying members. The size of the market for fitness clubs at a commercial site is about 21 million people. Planet Fitness has almost 12% of that market. That market is usually the 15% of the people who join a club. His clubs serve the other 85% who frankly would not feel comfortable walking into Gold's Gym. **Commissioner Kehl** asked if his answer to Commissioner Barbieri was that he would be bringing in new customers and won't deplete the other ones that already exist. **Mr. Pilzer** said that was absolutely true. If someone wants the swimming pool, saunas, etc., and they want to pay for it, they will stay where they are presently. Planet Fitness does not expect to take from other fitness clubs because they serve the existing fitness club market, which was built on the weight lifting concept.
- **Commissioner Barbieri** asked if they don't have the pools, saunas, etc., what would make the Planet Fitness different from the others and yet still has 30,000 square feet. **Mr. Pilzer** advised that the central feature upon walking in is a 30 minute workout. There are posters that show you exactly what the regimen is and describes what to do and for how long. There are also trainers available if one is needed for instructions. Most of the space is cardio equipment, treadmills and elliptical machines, with some weight equipment. It is spotlessly clean, including all bathrooms and showers. It is designed for someone who comes in needing basic exercise for 45 minutes to an hour. It is designed so that if you are lifting weights and you grunt, they put on a grunt alarm and literally run sirens. They ask people to leave because of that. There is a dress code designed for the 85% of people who are not currently a fitness club member.
- **Commissioner Fazzini** said that he used to work at a health club that was actually one of the largest racquetball clubs at the time. Having people pay as they go versus the high pressure tactic to buy a membership is a good idea. However, he felt that 30,000 square feet was a lot of square footage just for cardio equipment.
- **Commissioner Kehl** asked Mr. Pilzer if he intended to build the whole center as proposed, with one contractor, at one time. **Mr. Pilzer** said that they intend to build with one contractor all of the retail as shown, excluding the two pads on the right, which they have not decided what to do with yet. Nothing will be built on those two pads for now. **Mr. Adams** said that Phase 1 would be mostly a warm dark shell, no circulation, most likely a large pour back strip. **Commissioner Kehl** wondered if they planned to have foot traffic to this site and was informed they did.

Commissioner Kehl then asked what would be initially built. **Mr. Pilzer** said that simultaneously they are going to build the Planet Fitness area and the eight retail stores, which consist of 17,000 feet on the south side. Then Phase 2 would consist of structures along Centennial Way. They have no plans to develop that portion until the Planet Fitness area is finished. **Commissioner Kehl** wanted to know if that was part of the 5 acres and **Mr. Adams** outlined on the image being displayed on the overhead projector the five acres. It is the western portion of the City property. Phase 1 includes all site improvements, landscaping and parking and 41,000 square feet of foot print. The two remaining pad sites will have gravel installed and be maintained weed free until they can build thereon. **Commissioner Kehl** asked if Mr. Pilzer were not as successful as he planned on being, would he be prepared to have empty space without the cash flow to offset the cost of the building. **Mr. Pilzer** advised that for the Planet Fitness business, retail is almost a labor of love. They would love to get some tenants early on. Right now economically, Planet Fitness business is a necessary item to draw the traffic there. He preferred not to negotiate any retail leases until Planet Fitness is open. He would rather show a tenant rather than promise a tenant the activity of customers. Planet Fitness sells nothing other than canned soda and bottled water. That's why a small retail outlet such as a juice bar would be great there.

- **Commissioner Kehl** asked to return to Commissioner Barbieri's question again. The delivery portion would not be so bad but there will still be garbage and the need for garbage dumpsters, which will naturally end up in the parking areas. That will need to be integrated very carefully on this site. **Mr. Pilzer** said that the Planners say where the dumpsters are to be located. **Mr. Adams** said that was right and the plans show the dumpster enclosure locations and more information would be forthcoming to show exactly what they will look like. **Commissioner Kehl** wanted the Staff and developer to come up with something that makes them disappear so to speak. **Mr. Adams** said that they are well landscaped right now in the plan set and will make sure it is right for the next hearing in two weeks.
- **Commissioner Burgess** wanted clarification on the question if Planet Fitness would be erected, then the stores will be built at the same time, with no tenants, but with the Planet Fitness being built, the hope is that it will attract the other tenants to move into the retail spaces. 21:00:58 **Mr. Pilzer** said that was correct and which has been demonstrated several times in the past to be successful.
- **Commissioner Barbieri** said with regard to the customer base Mr. Pilzer keeps mentioning by saying it would probably come mostly from the Community College she wondered how far away it was from this site. **Mr. McGrath** said it was within a three mile radius. **Mr. Pilzer** said that it was a three minute drive; however, their primary customer base would be the local citizens and traffic traveling along 5400 South.
- **Commissioner Overson** indicated that the Planning Commissioner's responsibility tonight, is not to decide if this should or should not be here, if it will be a park, or possibly be vacant in a couple of years. Therefore, she indicated that her questions would be about what is in front of them tonight. In the Small Area Master Plan, it is strongly reinforced that it is pedestrian friendly, walkable, that everyone feels good about this. Her observation is that what is being proposed tonight by Mr. Pilzer is different than what is contained in that Small Area Master Plan right now. Specifically what she is concerned about is that it appears to be a big "L" shape structure that extends from Centennial Way up to 2700 West and then over to Taylorsville Boulevard, with no breaks, no pedestrian way to get through except on these roads. On the corner of 2700 West and 5400 South, in the original plan it was a much defined pedestrian-friendly way to get into this project. With this project there is no way to do that. She was concerned about that because a good pedestrian access on the corner has been taken away.
- **Mr. Pilzer** interjected that he would prefer to have retail breaks here for pedestrians. The building works for him because it fits under an eligibility of a federal financing program, which requires a substantial amount of equity in network by him, which he is prepared to do because he has enough cash to build it but the whole finance program will not be cash, he is getting a loan from the federal government, which requires one roof and won't allow the roof line to be broken up. He tried to work with them to get around that but to no avail. To build this and make it economically sound, it needs to be a one roof building. He continued on to say that they are still working on that impasse and would love to come back to the Commission with a change order saying a change in the roof line would be allowed but right now they don't have that permission. He advised that he has spent a lot of time walking around this site and found it is not exactly a nice corner, with power lines and heavily traveled roads and a gas station right across the street. He expressed hope that someday that will become a great pedestrian corner but it presently is not.
- **Commissioner Kehl** said that it bothered him the same as it does Commissioner Overson with regard to the big "L" shape. He suggested putting a break in there some way, even if it is not on the corner and still gets the square footage and makes it work. So it is not just a long wall. **Mr. Pilzer** advised that they have submitted a formal request to make that first space (#A) with a breezeway walking access but have no answer yet. **Mr. Adams** said the building measures 250' in both directions. He is aware of this discussion about a "walk to" or "walk through" site, especially with the people at Envision Utah, who have a "walkability" test. This site does not score on that test to be a "walk to" site. He is aware that everyone wants and desires it but there is a seven lane highway there, it is a long ways from most residential areas, it is not high density, it is not a comfortable road to pass. He said that he would love to have breaks in the building as well because aesthetically it works well but from a walkability perspective this just isn't a "walk to" site.
- **Commissioner Kehl** expressed that he is interested in how it will look as a person drives down 5400 South and along 2700 West, to have solid walls (even with the indents and caps). In all fairness to Mr. Nichols, there are only some things that can be done in this type of instance. This is basically a strip mall. **Mr. Pilzer** said that he is very pleased with the progress that has been made. He was not present when his people approached the City with this idea, however, right now no breaks along the building can be done. He would be supportive of a breezeway purely for

visual purposes, thinking it will help draw potential members to his fitness center. However, at this time he doesn't want to jeopardize his financing. **Mr. Adams** said that at staff level they have pushed for an open area with a roof to be called out as open dining for now and move on. **Mr. Pilzer** addressed the finance issue by saying that there is special financing available now if it is a single purpose building. Planet Fitness fits that definition and must occupy 60% of the building on day one and show a plan to grow to 80%, but it must be one roof. He added that this must be under construction by a certain date and be open this year.

- **Commissioner Overson** advised she has more to discuss. She said in looking at the elevations, she appreciated the ones for the retail and felt that they have been broken up very well, however, in her opinion they could be better. The sample board shows E.I.F.S. in brick and asked if they had considered some stone accent, quarry stone/quarry rock. Something so that there is more than only two elements. **Mr. Nichols** advised that some of the base element is more of a precast type. They did not include stone because they didn't want too many materials involved in looking for a little more traditional look. **Mr. Adams** asked Mr. Nichols if he was saying that the base on the bottom in gray color is precast. **Mr. Nichols** said it could be.
- **Commissioner Overson** said she would like to just present a wish list to the developer. [21:07:57](#) She would love to see some different variety in the roof line. Presently there are different heights but it would be nice to have one "pitched", "one arched", something that is a little bit different. She applauded the idea that they have got them looking like it is front when it is the back and felt it will look nice to people as they drive along there. By that same token, the look of the fitness center is boring. Something more needs to happen on the 2700 West side. **Mr. Pilzer** said their designs are limited by signage. **Mr. Adams** suggested looking at including some awnings to give a little more movement there. **Commissioner Overson** agreed something like that may work because other than the big gear looking image, it is very sterile and boring. Maybe some false windows would help on the west side. Something to break up such a long building.
- **Mr. Pilzer** said that the power lines very much cut into the possibilities along there. [21:21:24](#) **Commissioner Overson** thanked Mr. Pilzer for bringing that up because in the Small Area Master Plan it suggests that the power lines be buried and she asked for his opinion on that. **Mr. Pilzer** said he would love to see the power lines buried. **Mr. Adams** said that the City was able to bury the power lines along Redwood Road (which was given as an example) because they were not major transmission lines like there are along 2700 West. There are complications to bury the lines along 2700 West. Cost is a major element because the estimate received was a little less than 2 million dollars just to do the City Center section along 5400 South. When Redwood Road was done, it was 1.12 million for the entire stretch.
- **Commissioner Overson** continued with her wish list saying that she is concerned about what Planet Fitness looks like from a human scale in walking by it on the sidewalk, from driving by it in a car and from looking at it from the America First Credit Union corner. **Mr. Pilzer** said that from the credit union perspective, they will see a symmetrical image from both sides. As they approach, they will see windows. That has been done on the three approach corners. Almost anything can be done design-wise along with what is needed economically and how this development fits in. People driving by are not going to be looking at the roof line but rather at their view corridor level. He felt the design achieves the purpose of welcoming and enticing people into the center. **Commissioner Overson** said she hoped it did not turn into people coming down that hill and looking over and saying, "What is that great big building?" She wants them to say, "Look at that beautiful building, look at the architecture, look at the awnings, look at the glass," and want to go see what it is all about.
- **Mr. Pilzer** said that their current plans are that the building will be owned by his children's trust the day it is built. They have four children born in Utah, all in public schools. They love living here and he expects this to become a family asset for them. Planet Fitness currently has 2.5 million members. He asked Commissioners to check out the internet and see what their customers have to say about having no contract to sign and paying a fee of only \$10.00 per month. He said that these businesses end up becoming community centers. **Commissioner Overson** referenced him saying that there was a Planet Fitness opened in Ogden and she wanted to know exactly where it was located so she could go and look at it. (Mr. Pilzer gave her detailed directions on how to get there).
- **Commissioner Kehl** [21:25:56](#) asked if the developer is going to do all the improvements and was informed by **Mr. Nichols** that the sewer and water are already stubbed into the site. They will tie into the storm drainage system and will restrict their discharge to .2 cfs and will use the City Center site's retention basin. **Mr. Adams** said that Staff has seen some of the preliminary civil drawings and they have talked with the fire department and will be looping the fire line to stub into the pad sites. **Commissioner Kehl** wanted to know if there was a discharge point there to retain water now. **Mr. Adams** advised there was and that it is actually part of a storm water/park improvement plan on the east side and it is an expansion of the detention pond that exists on the east side of City Hall. **Commissioner Kehl** asked if the water would be retained in the parking lot. **Mr. Nichols** advised that they planned to oversize the pipes and hold it there. **Commissioner Kehl** commented that with the increased traffic and the ingress/egress, there are only two points to get into this whole project which will unlikely change in the near future. **Mr. Meldrum** advised that was correct for the foreseeable future.
- **Commissioner Kehl** wanted to know if there were enough turn lanes for people to come in and out and would any alterations need to be made to allow safe stacking of vehicles. **Mr. Adams** said yes, at the intersection proper there is a provision for a dedicated right hand turn lane. Some issues have to be worked out with UDOT and Rocky Mountain Power and Light. The intention is that with the proceeds of the sale part of the development agreement to put a break in the median and the City intends to put in a deceleration lane onto Centennial Way off of 5400 South to

accommodate the traffic with right turns in only. The intersection deceleration will take a little more finesse with UDOT than the proposed deceleration lane onto Centennial Way. **Mr. Nichols** said that they had increased their setback off of 5400 South in anticipation of a potential road widening there if an off ramp is ever made from I-215 on 5400 South. **Mr. Adams** commented that the City has increased the setback by 5' off their setback, so if they put the 12' lane in there is adequate setback. **Commissioner Kehl** wondered about the stacking in or out on the two main entrances into the project. **Mr. Adams** said there is no stacking from the traffic study because the throat length is adequate to pull three cars in and make the turn. There is no stacking from the lane going back into the cut. **Commissioner Kehl** commented that is for right-out only. **Mr. Adams** said that currently it is right-in and right-out only. The pork chop traffic controller may disappear as it presents a safety hazard once the installation of the deceleration lane occurs.

- **Commissioner Kehl** asked what the allowed setback was and **Mr. Adams** indicated that the setback is a minimum of 15' and there is presently a 20' setback due to the increase to accommodate future roadways. **Mr. Meldrum** added that was correct, except on the Planet Fitness side it is exactly 15'.
- **Commissioner Kehl** wanted to know if the patios meant there would be multiple restaurants planned. **Mr. Pilzer** said they are going to get more focused on that in the next finalizing phase with planning and hopefully during construction some tenants will show up. He said that he envisions that a patio up front and a couple of chairs will not be good because it will either be very hot or zero degrees. However there is nothing nicer than chairs and landscaping. The sidewalk in front is wide enough for outdoor seating. **Commissioner Kehl** said that Mr. Pilzer is getting to his point now. It is possible that a restaurant or user is going to want a patio on that 15' setback and he wondered if that would be legal to do. **Mr. Adams** said that right now it is shown as outside the setback. He was not sure of the answer to it being within the setback and would need to research it for later. The very generous walk in the front to accommodate a proposed bistro seating would definitely help that situation. It is wide enough to accommodate foot traffic and outside seating. **Commissioner Kehl** said he was actually looking for a reason to have a little more than 15' setback for the view and setting as you go up and down 5400 South. **Mr. Adams** said no one knows what the future holds with roadway widening but the building is setback 20'. So within that 20' setback there it could accommodate some sort of patio setting.
- **Mr. Nichols** indicated that part of their proposal is to take out the concrete and planting strip currently there and plant that. That means that the 20' would be in addition to the sidewalk and the 5' wide planting strip. Realistically there would be close to 30' from back of curb to the building.
- **Mr. Pilzer** commented that they know some great restaurants that have following in this valley that are now paying \$6.00 to \$10.00 a foot but they are grossing \$500,000 a year. In order to convince them to double their rent, the patio must be really great to impress them. As far as the setback, it was a negotiated item because what they are going to offer them is something that they can't get now, a billboard. A billboard costs more than their rent – a lot more. No billboards are being built anymore anywhere in the area. Having that space up front including their logo on it on a beautifully designed building with nice landscaping will tell people every day that they are there. He said that it will take a combined effort in order to get tenants on site. He added if he had normal financing and backers, no one would have financed this because it is a real risk. That frontage up front can be so much nicer than an existing tenant space somewhere in West Valley that they are willing to double their rent in order to move here. He closed by saying that it has been a pleasure for him to work with people in the City. Every time he has met with them the suggestions and dialog in order to get to this have been very productive. [21:35:58](#) All Commissioners thanked Mr. Pilzer and Mr. Nichols for their time this evening in addressing the Commission.

6.5 This item was on the agenda for discussion only. No motion is required.

<p>7. Discussion of the Proposed Unified Land Development Code. (Chapters 31 through 33) (Mark McGrath, Michael Meldrum and Don Adams) 21:36:21</p>
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7.1 **Mr. McGrath** presented the schedule for the evening as being Chapters 31 (Condominium Development), 32 (Site Plan Review) and 33 (Administrative and Non-Administrative Conditional Use Permit)

7.2 **DISCUSSION:** Commissioners and Staff reviewed each chapter page by page and made minor changes deemed appropriate. Some typographical errors were noted and some questions needed to be answered through legal interpretation by the City Attorney.

7.3 **This item was for discussion only. No motion is required.**

OTHER BUSINESS: None.

ADJOURNMENT: By motion of **Commissioner Burgess** and second by **Commissioner Barbieri** the meeting was adjourned at 10:25 p.m.

Respectfully submitted by:

Minutes were approved in meeting held on April 26, 2011

Jean Gallegos, Admin Assistant/Recorder for the
Planning Commission